

RULES AND REGULATIONS
of the
MICHIGAN STATE WATERWAYS COMMISSION
An Advisory Commission to Parks and Recreation,
Division of the Michigan Department of Natural Resources

Adopted: December 8, 2000

Amended: October 6, 2014

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

Public Act 451 of 1994

324.78102 Michigan state waterways commission; creation; appointment, qualifications, and terms of members; oath; reimbursement for expenses; removal of members; vacancies; seal; rules; election of officers; action by commission; offices and equipment.

Sec. 78102.

There is created a state commission to be known and designated as the Michigan state waterways commission. The commission shall consist of 7 members, who shall be appointed by the governor, with the advice and consent of the senate. The term of office of each member shall be 3 years, except that of members first appointed, 2 shall be appointed for 1 year, 2 shall be appointed for 2 years and 1 shall be appointed for 3 years. Not less than 2 members shall reside north of townline 16, 1 of whom shall reside in the upper peninsula and 1 of whom shall reside in the lower peninsula. One of the members shall be an individual who owns or operates a harbor or marina in this state at the time of his or her appointment and during his or her membership on the commission. One member shall be a representative of the marine-trades industry who does not own or operate a harbor or marina. The first term of the individual who owns or operates a harbor or marina shall expire on September 18, 1989. The first term of the marine-trade representative who does not own or operate a marina shall expire on September 18, 1988. A member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the unexpired term. Members shall qualify by taking and filing the constitutional oath of office. A member of the commission shall not receive a salary for his or her services as a commissioner, but may be reimbursed for actual and necessary expenses incurred in performance of official duties. The members of the commission may be removed by the Governor for inefficiency, neglect of duty, misuse of office, or malfeasance in office, in the manner provided by law for the removal of other public officers for similar causes. Vacancies shall be filled for the unexpired term in the same manner as original appointments. The commission shall, immediately upon its appointment, organize, adopt a seal, and make, amend, and revise the rules necessary for the administration of the commission's duties under this part. The commission at the organization meeting shall elect from its members a chairperson and vice-chairperson to serve for 1 year and annually thereafter shall elect such officers to serve until his or her successor is appointed and qualified. Action shall not be taken by the commission with less than a majority assent of its members. The department of management and budget shall provide suitable offices and equipment for the use of the commission.

324. 78103. Waterways commission; conducting business at public meeting; notice of meeting; availability of writings to public.

Sec. 78103.

(1) The business which the Michigan state waterways commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(2) A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

324.78109 Administration of part: advice by commission.

Section 78109. The commission shall advise the department on the administration of this part.

Article 1. Officers

The Commission shall annually, at the December meeting, elect from its members, a Chair and a Vice-Chair, each to take office at the next meeting and to serve for one year and until his/her successor is elected and qualified. The Chair shall solicit nominations from the floor for Commission offices, secure candidate acceptance of the nomination, and vote thereon in the following order: Chair and Vice-Chair. Officer selection will be based on a majority vote of members present. The terms of all offices shall be for one year.

In the event of a vacancy in any office of the Commission, all lower officers shall automatically move up to the next higher office at the next scheduled meeting.

Article 2. Duties of the Chair

The Chair shall represent the Commission at such official functions as the Commission shall specify. The Chair shall be charged with the responsibility of calling for such regular and special meetings of the Commission as are necessary to enable the Commission to carry out its assigned duties and responsibilities. The Chair shall preside at all such meetings and shall be entitled to vote on any matter the same as any other Commissioner. The Chair shall be empowered to appoint committees of the Commission for such purposes deemed necessary and is authorized to designate members of the Commission, to represent the Commission at official functions.

Article 3. Duties of the Vice-Chair

The Vice-Chair shall preside in the absence of the Chair and shall assume the duties of the Chair, whenever the absence of the Chair necessitates such action, or when the Chair

shall request the Vice-Chair to preside, when both are present.

Article 4. Authority of the Commissioners

The Waterways Commission is an advisory group to the Department of Natural Resources. No member of the Commission shall have the authority to represent the Commission in any legal manner and does not have authority to approve contracts or any other related actions.

Article 5. Meetings

(a) The Commission shall annually conduct not less than six regular meetings at places to be determined and scheduled at the preceding December meeting.

(b) At such meetings, attendance by four members shall constitute a quorum for the purpose of holding official meetings and transacting business.

(c) Special meetings of the Commission may be called at any time by the Chair, or the Chair shall call within 15 days other meetings, on the written request of any two members of the Commission; provided, however, that such written requests may be served upon the Division Chief in lieu of the Chair. Notice of all meetings shall set forth the purpose, time and place of such meetings and shall be electronically mailed (e-mail) to each member at least 10 days prior to said meetings and the Division Chief or designee shall also immediately notify each Commissioner of any special meeting by email or phone contact.

(1) A public notice shall be posted on the official DNR website, in the Division Office and in the Executive Office of the Department listing the dates, times, and places of the Commission's regular meetings for the calendar year. Such notice shall also contain the telephone number and office address of the Division Office. A press release will be sent to the media announcing meetings not less than 5 calendar days prior to the meeting date.

(2) For special meetings, similar information as required above shall be posted within 24 hours after the call for such a special meeting and in no event shall such notice be posted less than 18 hours prior to the actual special meeting.

(d) Closed meetings may be called by a two-thirds roll call vote of the Commission for the purposes authorized by law.

(e) The Chair may request the Commission at any meeting to adopt reasonable time limitations for each public appearance before the Commission. Such limitations shall be imposed only where absolutely necessary and then only to assure that all members of the public desiring to do so are afforded an opportunity to appear before the Commission.

(3) All members of the public appearing before the Commission shall give their name and address for the record and will be requested to advise the Commission of

any organization they are representing in their appearance. The purpose of this information shall be to assure accuracy of minutes and to provide a means whereby the Commission can mail minutes or follow-up information to the person making such an appearance.

(a) Calling of Public Hearing

A public hearing may be called by the Parks and Recreation Division Chief in collaboration with the waterways commission.

Announcement of the Hearing

Announcements of any public hearing for waterways associated issues shall be made to the news media. Thirty days advance notice of the hearing shall be given. The announcement shall contain the time, date, and place of the hearing as well as its purpose.

(b) Conduct of the Hearing

The Chair will convene and manage the hearing process with a quorum of the commission.

Article 6. Agenda

(a) The agenda for each meeting shall be prepared by the Division Chief and Chairperson of the Commission on the basis of all materials received, either written or oral, prior to convening of the next regular meeting; provided, however, that any subsequent material to be submitted for consideration at any regular meeting shall be submitted in writing and can be considered only upon the formal consent of all Commissioners present. Every agenda shall contain thereon a notice that time will be allotted to consider any matter brought before the Commission by a member of the public attending the meeting for that purpose as well as to hear any member of the public appearing at the meeting. The agenda may be modified at the meeting with the approval of the commission.

(b) Consent Agenda – The agenda may have a section that is entitled Consent Agenda. This section of the agenda may be used for items that are routine and will not likely need discussion by the Commission. Any Commissioner may request items to be separated from the Consent Agenda to the regular agenda for separate consideration. The Consent Agenda items will be acted upon by the Commission as a group in one motion.

Article 7. Minutes

(a) Summary minutes shall be kept by the DNR Support Staff of each Commission meeting. These minutes shall record the date, time, place, members present, members absent, and any decisions made. The minutes shall include all roll call votes taken at the meeting.

(b) A draft of the minutes shall be provided to each commissioner prior to

the next meeting for review and shall also be included on the agenda of the next meeting for review and approval by the Commission.

(1) Approved minutes shall be available for public inspection after the meeting at which the minutes are approved by the Commission and will be posted on the DNR official web site.

(c) Minutes shall be public record, open to public inspection and shall be available at the Commission office. Copies of minutes shall be provided to the public upon request at the cost of printing and copying or provided at no cost electronically.

(d) A closed meeting may be held, that is in compliance with the Open Meetings Act, and separate minutes shall be taken by the DNR Support Staff.

Article 8. Division Chief

The Parks and Recreation Division shall be charged with the administration of the Waterways Program and provide support for the Commission.

Article 9. Adoption of Rules and Regulations

The rules of procedure of the Michigan State Waterways Commission shall be reviewed as needed.

Any proposed amendments to the rules shall be submitted in writing and be sent to the members and posted on the DNR official web site.

Suspension of the rules requires a majority vote of all Commissioners in collaboration with the Parks and Recreation Chief of the DNR.

(a) Calling of Public Hearing

A public hearing may be called by the Commission at any time at its discretion.

(b) Announcement of the Hearing

Announcements of any public hearing called by the Commission shall be made to the news media. Thirty days advance notice of the hearing shall be given. The announcement shall contain the time, date, and place of the hearing as well as its purpose.

(c) Conduct of the Hearing

The Chair will convene the hearing with a quorum of the commission. Each person attending the hearing shall be requested to fill out a card, which shall be furnished, giving their name, address, organization represented, if appropriate, and an indication of whether or not they wish to make a statement. These cards shall be used by the Chair to call for testimony and also as a record of those in

attendance. The Presiding Officer shall offer everyone an opportunity to be heard once and may place limitations on the length of individual presentations if such seems appropriate in view of the number of prospective participants in the hearing.

The submission of written statements at the hearing shall be encouraged in the announcement of the hearing. In addition, the Presiding Officer shall announce at the hearing that written statements will be received and made a part of the record if received within seven calendar days following the hearing.

(d) Staff Participation

Appropriate staff will assist in arranging the hearing and maintain appropriate public record of the hearing. This record will be posted on the official DNR web site.